

REMARKS

Before turning to the substantive aspects of the Office Action, Applicants would like to take this opportunity to request that the Examiner acknowledge the claim for foreign priority under 35 U.S.C. § 119 based on the German priority application DE 102 58 576.8 filed on December 14, 2002 and confirm that the certified copy of the priority document filed on April 29, 2004 has been received.

Turning now to the Office Action, claims 1-16 are pending in this application. The Examiner, finding none of the application claims as filed to be generic, contends that Figs. 1 and 2 depict a first species (Species I) of the pressure-tight contact device according to the present invention, Figs. 3-5 depict a second species (Species II), and Fig. 6 depicts a third species (Species III). The Examiner requires that Applicants elect one of the foregoing Species I-III of the claimed invention for immediate prosecution on the merits.

In response to the election requirement, Applicants provisionally elect Species I and the claims readable thereon for immediate examination. Applicants identify claims 1-7, 10, 11 and 14 as being readable on Species I. This election is made with traverse. For the reasons set forth below, Applicants respectfully submit that all of the claims are properly set forth in the present application as filed. Accordingly, Applicants request reconsideration and withdrawal of the election requirement.

All the claims in the present application are related to the same invention -- a new pressure-tight contact device constructed and arranged as depicted in Figs. 1 and 2.

Figs. 3 and 4 (Species II) depict two structural alternatives for realizing the common purpose of mounting the contact tab 6 in the connector shell 7 to achieve the arrangement of the inventive pressure-tight contact device according to Figs. 1 and 2 (Species I),

and claimed in claims 1-7, 10, 11 and 14, namely, by nose members 16 (Fig. 3, claim 8) and by a crimp 17 (Fig. 4, claim 9). Also, Figs. 3 and 4 depict alternate views of the opening 15 shown in Figs. 1 and 2 (Species I), and also Fig. 6 (Species III), and claimed in claim 5.

Fig. 5 (also of Species II) is a front view of a two-pin version of the terminal socket 28 of the inventive pressure-tight contact device according to Figs. 1 and 2 (Species I) with test bore 18 (claim 15)/test channel 19 (claim 16). Also, Fig. 5 depicts alternate views of the shroud 11 shown in Figs. 1 and 2 (Species I), and also Fig. 6 (Species III), and claimed in claim 4, and the contact tab 6 shown in Figs. 1 and 2 (Species I) and in Figs. 3 and 4 (Species II), and claimed in claim 4.

Although at least partly consistent with Applicants' position that all the application drawing figures depict features of the same inventive pressure-tight contact device and that all the claims are properly set forth in the present application as filed, given the present election requirement, it is unclear why the Examiner included Fig. 5 with Figs. 3 and 4 (which depict alternative ways to position the contact tab 6 in the connector shell 7) as part of Species II. Applicants respectfully request clarification on this point.

Fig. 6 (Species III) is a top view of a three-pin version of terminal socket 28 of the inventive pressure-tight contact device depicted in Figs. 1 and 2 (Species I) showing a mating connector member 24 and connecting cable 25 plugged into the terminal socket (claims 12 and 13). Also, Fig. 6 depicts alternate views of (i) the opening 15 shown in Figs. 1 and 2 (Species I) and in Figs. 3 and 4 (Species II), (ii) the shroud 11 shown in Figs. 1 and 2 (Species I) and in Fig. 5 (Species II), and (iii) the contact tab 6 shown in Figs. 1 and 2 (Species I) and in Figs. 3 and 4 (Species II).

MPEP §803 clearly states that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Applicants respectfully submit that examination in the same application of pending claims 1-16 of the present application would not impose an undue burden on the PTO Examiner. To require Applicants to file one or more separate divisional applications directed to the non-elected Species II and III claims would necessitate that searches be conducted in the very same areas at a later date. It is submitted that such repetitive searching is inefficient and, as such, inimical to the operational goals of the PTO.

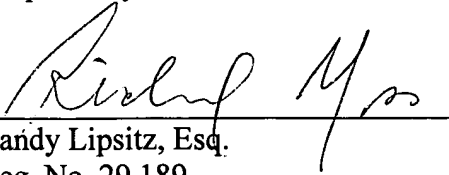
Furthermore, the election requirement imposes added burden and costs to the Applicants who must file one or more separate divisional applications in order to prosecute the non-elected Species II and III claims. Also, because the term of a patent is twenty years measured from its effective filing date, the delay in the examination of the non-elected Species claims will likely result in the patent term for these claims being unnecessarily curtailed.

In view of the foregoing, reconsideration and withdrawal of the election requirement is respectfully requested and early and favorable examination on the merits is earnestly solicited.

The Examiner is invited to contact Applicants’ undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Reply. Please charge any fee deficiency to
Deposit Account No. 50-0540.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Randy Lipsitz", is written over a horizontal line.

Randy Lipsitz, Esq.

Reg. No. 29,189

Richard L. Moss, Esq.

Reg. No. 39,782

Attorneys for Applicants

KRAMER LEVIN NAFTALIS & FRANKEL LLP

919 Third Avenue

New York, New York 10022

(212) 715-9100